

# The Municipality

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July | 2018  
**STRESSING OVER GROWTH**



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Editorial Offices  
131 W. Wilson St., Suite 505, Madison, WI 53703  
Dial (608) 267-2380  
In-State (800) 991-5502  
Fax: (608) 267-0645  
e-mail: league@lwm-info.org  
Website: www.lwm-info.org

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# The Municipality

July | 2018

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## On the Cover

The City of Kaukauna is an example of a community along a highway that is growing. The city's most recent allowable levy limit increase was \$123,601. As part of the Fox Cities with several large employers, Kaukauna accommodated regional growth by adding 226 housing units since 2012 that are supported by full municipal services and access to four-lane I-41.

As highlighted by the Wisconsin Policy Forum: "Among Wisconsin communities growing the fastest since 2012, 59% are near a major four-lane highway and 42% had created at least one tax incremental finance district since 2011."

Thanks to Luke Syrjamaki, Kaukauna Fire Department Firefighter/Paramedic for providing the drone photo.





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# The New Localism

Jerry Deschane, Executive Director, League of Wisconsin Municipalities



I just finished reading Bruce Katz and Jeremy Nowak's book, *The New Localism, How Cities can Thrive in the Age of Populism*. Perhaps not surprisingly, my friends and family members gave me plenty of privacy when they saw what I was reading (they usually nodded politely and then scurried away), but it was worth the few hours of isolation. Katz and Nowak are calling on local leaders to step up and lead in a whole new way. True students of local government should read the book.

The authors argue cities and villages have more power than they think and more problem-solving capacity than they know, but they need to organize differently. "Conventional wisdom holds that cities are powerless, mere creatures of the state, subordinate political units of nations. But conventional wisdom is wrong. It mistakenly treats cities as just another layer of government rather than as what they truly are: powerful networks of institutions and ecosystems of actors that coproduce the economy and co-solve problems."

Katz and Nowak affirmed something that I often notice about Wisconsin's best municipal leaders: they seem to make things happen without doing anything at all. "Cities are neither vertically integrated companies nor governments that have a set command-and-control structure. Rather, they are networks of public, private and civic institutions that coproduce the economy and cogovern critical aspects of city life. The essence

of a successful local leader, therefore, is the ability to bring groups of people together to solve problems and do grand things that they cannot do as individuals."

The book also proposes a new twist on the infrastructure debate. "Infrastructure is a complex business... Each [project] is different in terms of project design, revenue streams, and market impacts, and in how they are governed, regulated, owned and operated. As such federal plans for infrastructure often are not responsive enough to local needs and concerns. What if we reversed the process to flow from the local level to the federal? What if several governors, mayors and county executives, from across both parties, nominated a group of emblematic projects? A trusted intermediary could use a uniform template that made the business case for each project and then sorted out options for federal financing. In this way, Congress could ultimately enact legislation and provide tools fit to purpose and designed to succeed."

Leading through networks? Congress in reactive funding mode, listening to local practitioners, as opposed to command-and-control mode, dictating to them? Sounds revolutionary. On the other hand, maybe that's just enough revolution to help move us all forward.

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# Levy Limits Heighten Importance of New Construction



The property tax typically ranks as Wisconsin’s most unpopular tax, and understandably so. Taxpayers here pay more in property taxes than in either state income or sales taxes. At the same time, most would be reluctant to give up the local services that the property tax funds.

For years, state officials have tried various measures to reduce the property tax, ranging from increasing state aids to replace property tax dollars to strictly limiting how much property taxes may increase. The most recent efforts have involved slight increases in state aids and much stricter limits.

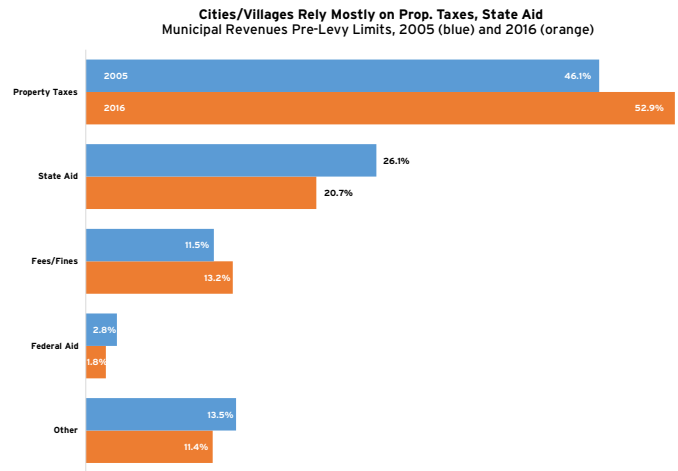
Since 2005, the state has limited how much municipalities and counties may increase their property tax levies. Initially, there was a “floor” on levy increases, allowing these local governments to raise their levy by a minimum percentage. But beginning in 2011, the state limits have frozen levy increases at 0%, with increases generally allowed only for new construction.

Our most recent research examines the trends in levy limits and their link to new development. Two important observations emerge. First, while new construction was relatively strong when levy limits were first imposed, it weakened during the 2007-09 recession and, despite an improved economy, continues to remain well below levels experienced 15 years ago. Second, development in Wisconsin is increasingly isolated, with relatively few communities experiencing even modest growth.

Before we explore these trends in depth, a recap of what led up to the creation of levy limits may help provide context.

Cities and villages in Wisconsin rely on two main revenue sources: the property tax and state aid. In 2005, the year in which levy limits were adopted by the state, the two accounted for more than 70% of municipal revenues.

The property tax is by far the larger of the two. In 2005, property taxes levied by cities and villages totaled more than \$1.8 billion, compared to just over \$1.0 billion in state aid, mostly from the state’s shared revenue program. Lesser sources of state aid include transportation aid and various grants.



Smaller amounts of money are raised from a variety of fees and charges for services, federal money, and, in some communities, hotel/motel room taxes.

In the 10 years leading up to adoption of the limits (1995-2005), total municipal revenues increased an average of 3.7% per year. By comparison, state general fund taxes increased an average of 3.9% per year during these years. Both exceeded the rate of inflation (2.5% average).

However, that growth rate masks a changing revenue mix caused, at least in part, by state policy. From 1995 to 2005, state aids to municipalities changed little: they increased an average of 0.6% per year, mostly due to frozen or reduced shared revenues. During 1996-2001, shared revenues were unchanged from 1995 amounts. After two years of 1% increases, they were reduced 7.6% in 2004.

With their major state revenue source declining, municipalities had to rely more on property taxes and fees. Total fees and charges rose an average of 6.0% per year from 1995 to 2005, while property taxes increased an average of 5.4% annually. These latter increases (along with county levies rising an average of 5.9% per year), at least partly, provide the impetus for the current levy limits imposed by the state on municipalities and counties.

## Creation of the Limits

Levy limits were first introduced by the Republican-led Legislature in the 2003-05 state budget, but were vetoed by Democratic Governor Jim Doyle. Two years later, the governor included in his 2005-07 budget proposal a version of levy limits that differed from the 2003 legislative proposal. The Legislature replaced them with a version similar to the 2003 proposal. Several gubernatorial vetoes altered the limits slightly, but they became law beginning in 2005/06 (December 2005 levies payable in 2006).

## Mechanics

Levy limits tie annual increases in municipal and county property tax levies to the amount of new construction, or development (these two terms are used interchangeably in this report). For example, if the value of new construction in a municipality or county equaled 2.5% of the value of all taxable property in a given year, the municipality or county can increase its levy by 2.5% the next year.

The law provides several exemptions, the largest of which is for debt service. If a municipality or county borrows to pay for a new building, equipment, or other expenditures, then the property taxes it levies annually to repay the loan are not subject to the limits. The exemption for debt service, combined with other smaller exemptions and carryover provisions, explain why increases in total municipal or county levies often outpace the rate of new construction.

The limits also can be exceeded by local governments with voter approval in a referendum.

## PATTERNS OF DEVELOPMENT

Since municipal finances have been tied to new construction since 2006, it is useful to examine how new construction has changed over time.

Since 2000, development patterns have gone through a variety of changes. At a macro level, statewide rates of new construction declined precipitously during and after the 2007-09 recession. Despite a relatively strong economy, they remain a full percentage point below 2006 levels.

Drilling down to the municipal level, new development appears to be increasingly isolated, with relatively few cities and villages growing even moderately. Access to a major highway appears to be important, but does not guarantee development.

## Statewide Decline and Recovery

Levy limits were created during a period of relatively strong development in Wisconsin. In the first year of the limits, the statewide rate of new construction was 2.8%. In the five prior years, new construction averaged between 2.5% and 2.8%.

Not long after creation of the limits, Wisconsin's economy began contracting; the state entered recession prior to most states. Rates of new construction began to decline. By 2008, the statewide rate was less than 2%, and three years later it was just 0.7%.

During most of these years, municipalities were somewhat protected due to the "floors" in state law. In the first two years of the limits (2006 and 2007), if a municipality's or county's new construction rate was less than 2%, it could still increase its levy by up to 2%. In other words, state law had a 2% floor to protect low-growth communities. In subsequent years, these floors changed: they were 3.86% in 2008; 2.0% in 2009; and 3.0% in both 2010 and 2011.

After 2011, with the economy beginning to recover, rates of new construction began to rise, albeit slowly. The statewide average was 0.9% in 2013, 1.2% in 2015, and 1.6% in 2017.

While increased rates of development are welcomed by municipal officials, there are concerns that 2017 rates remain well below what was experienced in the years leading up to creation of the limits.

Exacerbating that concern is the reduction of the "floors" to 0% effective with 2012 levies. Now, municipalities (and counties) are no longer "protected" from low development rates; they are allowed levy increases only up to their rate of new construction, plus exemptions.

## Fewer Municipalities Growing

While property values generally have begun to recover from their decline during the Great Recession, state-level figures can mask important variations locally. Despite reports of growth statewide, our research shows that fewer municipalities are experiencing even modest growth compared to 2006.

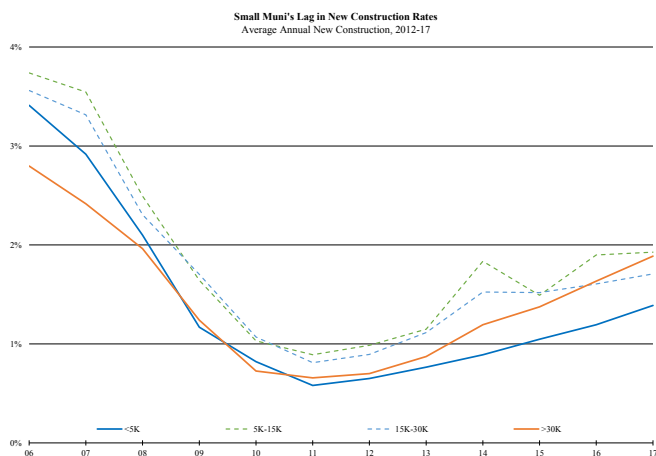
Recall that the levy limit law originally included 2% floors to minimize the impact of slow growth on municipal and county finances. In the first year of the limits, new construction exceeded that percentage in over half of all cities and villages.

However, the 2007-09 recession affected all parts of the state and nearly all cities and villages. By 2011, new construction exceeded 2% in just 5.2% of cities and villages.

Just as average statewide development has rebounded since 2011, so has the share of municipalities exceeding this threshold. By 2017, however, that percentage still had not reached 20%.

More troubling might be the percentage of municipalities growing more than 1.5%. When the limits were initially enacted, nearly two-thirds were growing at or above this rate. In 2017, just fewer than one-in-three (28%) exceeded 1.5%.

Modest growth over the past six years cuts across all municipal sizes. However, taken as a whole, cities and villages with fewer than 5,000 residents have been particularly hard hit.



In 2006, the rate of new construction in these municipalities averaged 3.4%, slightly less than communities with 5,000-15,000 residents (3.7%) and those with 15,000-30,000 residents (3.6%). The state's largest cities and villages lagged (2.8%).

However, as the recession took hold, development rates in these small communities declined more than in their more populous counterparts. By 2011, this group trailed all others in development rates.

Moreover, as the economy began to recover, growth in small cities and villages continued to lag. In 2017, new construction averaged 1.4% in the smallest cities and villages, compared to 1.9%, 1.7%, and 1.9%, respectively, in the three more populous groups.

## RECENT DEVELOPMENT PATTERNS

The story of municipal development in 2012 and after is one of modest growth. Only 62 of nearly 600 cities and villages experienced new construction averaging at least 2% per year

over the six years. Another 35 had growth averaging more than 1.5%.

Those 97 municipalities are dwarfed by the 186 with growth of less than 0.5% per year. These slow-growing cities and villages are predominantly small, with populations of fewer than 5,000. This population group accounts for 76% of all cities and villages, but 94% of the slow-growing ones.

The lack of new construction is not just a small-town issue. Of the 20 slowest-growing municipalities, five have more than 20,000 residents, including Racine and West Allis, which are among the state's 11 most-populous cities. Moreover, eight of the 20 are in Milwaukee County.

## Regional Patterns

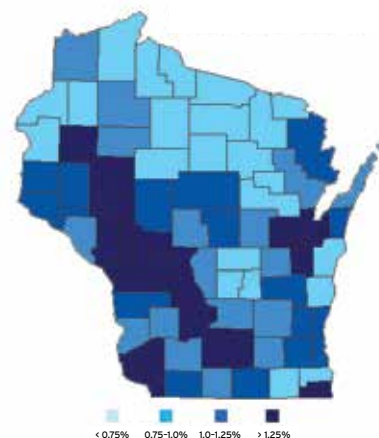
Conversely, some municipalities with more than 5,000 residents have seen higher average annual growth during 2012-17, ranging from 2.0% in Howard and Chippewa Falls to nearly 9% in Verona. Seven of the top 20 highest-growing municipalities are in Dane County.

The contrasts between Milwaukee and Dane County point to the regional nature of growth. The two counties account for 20% of all cities and villages with more than 5,000 residents, but 38% of the fastest and slowest growing municipalities. These patterns of growth and stagnation emerge more fully when we examine county-wide growth across the state.

Over the six years, only 14 of 72 counties experienced annual new construction rates of 1.25% or more. Three were in the Fox Valley (Brown, Outagamie, and Calumet), while another eight were in western Wisconsin (Barron, Chippewa, Eau Claire, Jackson, Juneau, La Crosse, Monroe, and Trempealeau). The remaining three were Dane, Grant, and Kenosha.

Moreover, many of the counties with new construction rates averaging 1% to 1.25% border these 14 counties. Clark, Dunn, St. Croix, Pepin, and Vernon border fast-growing counties in the west. Fond du Lac borders Calumet in the Fox Valley, while Lafayette and Rock border Grant and Dane, respectively.

Figure 6: New Construction is Regional  
Avg. Annual New Construction Rates, 2012-17





At the other end of the spectrum, slow-growing counties were primarily in the north. Of the 23 counties with development rates averaging less than 0.75% per year, 16 were in the north. Another three (Green Lake, Marquette, and Waushara) bordered each other in central Wisconsin.

### Highways and Development

Looking closely at a map of development by county, one begins to see the relationship between development and highways. Interstate highways run south from Brown County to Kenosha County at the Illinois border. They also run northwest from Rock County to La Crosse County and to St. Croix County on the Minnesota border. Most counties along these routes experienced above-average rates of new construction during 2012-17.

Overlaying onto a state highway map the 97 cities and villages with average new construction of more than 1.5% makes clear the importance of highways. Of the 97 municipalities, 37 either have an interstate highway passing through their community or are located only a short distance from one. Another 20 are along the four-lane portions of U.S. 10, 29, 53, or 151.

Combined, nearly 60% of the fastest-growing cities and villages had easy access to a four-lane highway. However, while access to major highways may be conducive to new construction, it does not guarantee it.



Conversely, a look at the same state highway map shows 186 municipalities with average new construction rates less than 0.5%. Compared to the fast-growing cities and villages, nearly the same number (54) of these slow-growing communities were on major highways. However, at 29%, the percentage of the total was much smaller. In other words, slow-growing cities and villages were more likely to not have access to major highways.

### Other Factors

Other factors play a role in development, but they are often idiosyncratic. For example, new construction in the small village of Weyerhaeuser in Rusk County averaged almost 15% per year during 2012-17. Its access to railroad tracks to western

► p.8

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## Tax Incremental Financing

For the calculation of new construction, the development can be within a tax incremental finance district (TID). While they can be controversial, creation of a TID may be linked to growth. Of the 97 municipalities with net new construction averaging 1.5% or more during 2012-17, 42% created at least one TID in 2011 or after. By comparison, among the 186 with average growth less than 0.5%, only 12% created a TID.

Like access to highways, creating a TID district may contribute to growth, but it does not guarantee it. The TIDs created in the 41 fast-growing communities added 1.6% to their total property value since 2012. By contrast, those created by 23 slow-growing municipalities added just 0.3% to those communities' total value.

There are risks involved with TIDs. They generally require borrowing by the city or village for infrastructure or other costs. If the district does not grow as planned, local taxpayers are on the hook. New construction can occur without a TID; 58% of the fast-growing communities generated new development without tax incremental financing.

## SUMMARY

The state has imposed levy limits tied to new construction on Wisconsin municipalities (and counties) since 2006. The limits were created during a period of relatively strong statewide

growth, with new construction of at least 2% occurring in a majority of cities and villages.

However, the 2007-09 recession and weak real estate recovery dramatically changed development patterns. Not only has statewide growth slowed compared to 2006, but fewer cities and villages are growing even modestly.


A variety of factors play a role in development, though none guarantee it. Three discussed here are municipal size, access to major highways, and tax incremental finance districts. Racine and Kenosha are two cities in southeast Wisconsin with all these characteristics. Yet, while Kenosha's new construction averaged 1.4% per year during 2012-17, Racine's averaged just 0.1% per year.

While cities and villages continue to deal with levy limits, financial pressures are being felt in other areas. Since creation of the limits, state aids to cities and villages have continued to lag. In 2016, they were 0.8% less than in 2005. Federal aid is down nearly 18% during that period.

As a result, property taxes now account for almost 53% of municipal revenues, despite the limits. Fees and charges account for another 13.2%. These two own-source revenues funded 57.6% of city/village spending in 2005, but 66.1% in 2016.

## About The Wisconsin Policy Forum:

The Wisconsin Policy Forum was created in January 2018 by the merger of the Madison-based Wisconsin Taxpayers Alliance and the Milwaukee-based Public Policy Forum. The new statewide organization, with offices in Madison and Milwaukee, will continue both groups' tradition of independent, nonpartisan research and analysis. Contact Forum staff at [info@wispolicyforum.org](mailto:info@wispolicyforum.org)



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# Local Governments and Fiscal Stress

Yunji Kim, Assistant Professor, Planning & Landscape Architecture, University of Wisconsin-Madison & Extension Specialist, UW-Extension Local Government Center

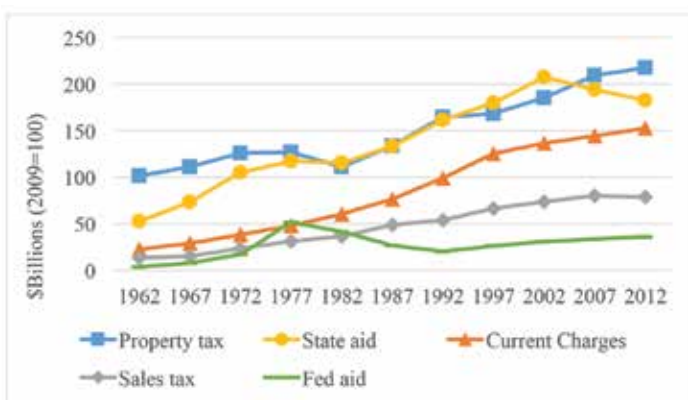


## Local Government Fiscal Stress: It's Different This Time

Local governments\* play a crucial role in our society, because the US governance system is a highly decentralized one. In fact, Alexis de Tocqueville, a Frenchman who traveled to the US to study America's democracy, already emphasized the importance of local governments for American democracy in 1835. But news of municipal bankruptcies (e.g., Detroit) and overreliance on fees and fines for municipal budgets (e.g., Ferguson) in the wake of the Great Recession (2008-2010) have raised concerns that local governments are ignoring community needs in the face of fiscal stress. How many more Detroit and Fergusons are out there?

Fiscal stress among local governments is not new (recall New York City's near bankruptcy in the 1970s), but it's different this time for at least three reasons.

First, there has been a shift in state-local relations. The graph below shows historic trends of US local government revenues from 1962 to 2012. Between 2007 and 2012, local revenues dropped below expenditures, and the graph shows that this revenue drop was largely driven by state aid cuts. In fact, state aid started declining already in 2002. Local governments faced fiscal stress in the 1970s, but back then state aid was a significant and growing source of revenue.



*US Local Government Revenues by Source, 1962-2012*  
 Note: Graph created by author based on data from US Census Bureau's Census of Governments Historical Data. Values have been adjusted for inflation using the state and local implicit price deflators for gross domestic product. Local governments refer to counties, cities, villages, and towns.

Second, the public sector and private sector have become more closely intertwined, making governments more vulnerable to shifts in financial markets. For example, public pension funds were in serious trouble after investing in junk securities leading up to the financial crisis in the Great Recession.

Lastly, citizen-government relations are becoming more contentious as demographic shifts (e.g., aging and increasing racial and ethnic diversity) call for new and/or more public services, while anti-tax/anti-government sentiments are increasing.

What drives local government fiscal stress? How have local governments responded so far? The answers will have deep implications for the future of our society. In this article, I draw from several national\*\* research projects to answer these questions.

## Driving Local Government Fiscal Stress

What drives fiscal stress for local governments? Based on previous research and conversations with local officials, I see three drivers of local government fiscal stress: economy, demography, and state policy. The following are some examples of each driver.

Economic drivers of fiscal stress can include loss in total number of jobs, shift in types of jobs (e.g., from manufacturing to services), and downturns in the housing market (as happened in the Great Recession).

Demographic drivers of fiscal stress can include aging, outmigration, and increasing or persistent poverty.

Local officials are keenly aware that what they can and cannot do depend on state policies, and state-local collaboration is important to serve the needs of residents. But local officials also pointed to state policies that exacerbate fiscal stress for local governments. State-imposed tax and expenditure limitations (TELS) – a broad term that refers to state legislation that constrains local expenditures, revenues, and/or debt – are one example. Other examples include states cutting aid to localities and/or pushing down expenditure responsibilities to the local level as states tried to respond to their own fiscal stress after the Great Recession.

Each type of stress alone is difficult to solve, and even more challenging when a locality faces multiple types of stress. Using data from the 2012 Census of Government Finance and the American Community Survey, my colleague and I explored which types of stress hang together.

We used two simple measures of fiscal stress that we call “high debt” (debt per capita divided by per capita income) and “high expenditure” (local expenditure per capita divided by per capita income). What our analysis shows is fiscal stress is linked to demographic stress – like poverty, low education, and unemployment. The finding suggests the potential for a vicious cycle in places with both fiscal stress and demographic stress; service needs may be higher in these places without the necessary revenues to respond to those needs. How state governments, as higher levels of government, respond to these problems will be crucial for breaking out of such cycles.

## **How Local Governments Respond: Pragmatic Municipalism**

Given this context, how have local governments responded to fiscal stress? Using data from the 2012 International City/County Management Association (ICMA)’s Alternative Service Delivery Survey, we found local governments, by and large, balance fiscal challenges with citizen needs. That is, they behave in pragmatic ways to maintain services even under fiscal stress. We found this pragmatism to be so unique to local governments that we named the behavior, “pragmatic municipalism.” We now turn to the tools of pragmatic municipalism: alternative service delivery and alternative revenues.

### **Alternative Service Delivery**

Local governments use contracting with for-profit organizations (“privatization”) and contracting with other local governments (“cooperation”) to respond to fiscal stress and maintain services. Some scholars have worried about privatization of public services after the Great Recession, but we find local governments use both privatization and cooperation as a response to fiscal stress. This speaks to the pragmatic nature of local officials; privatization is a service delivery tool (one among many) that is more or less useful in certain contexts (more on this in “Limits to Pragmatic Municipalism” section).

### **Alternative Revenues**

Another tool local governments have been using are alternative revenues, such as user fees (fees for specific services e.g. garbage fee, snow plowing fee), development review fees, hotel occupancy taxes, and tax increment financing. User

fees, in particular, have been a point of concern in the public media after the Great Recession. For example, Detroit made headlines in 2014 in the aftermath of its bankruptcy filing for shutting off water supply to its residents who could not pay their water fees – a common type of user fee. In a county in Tennessee, a house burned down to the ground even though firefighters showed up because the homeowner had forgot to pay a \$75 fire protection fee. User fees have strengths (e.g., linking benefit of service to payment, decreasing demand for the service), but there have also been concerns about equity and accessibility.

One note of interest for municipal officials is that cities (in comparison to counties and towns) have already been relying on charges and fees more than property taxes since the late 1970s. According to the 2012 Census of Governments data, charges, and fees (meaning current charges, utility revenue, special assessments, and other license revenues) made up 34% of total revenue for cities, while property taxes made up 19%.

### **Limits to Pragmatic Municipalism**

I was relieved to find out that local governments had by and large held onto services with creativity on the service delivery side and the revenue side. But I also found some limits to the strategies of pragmatic municipalism.

Let’s start with alternative service delivery tools. Privatization, while a popular tool in places where home values decreased, is less popular in places where poverty increased. Rather, these places are using more cooperation. But cooperation is a spatially constrained tool, meaning you have a limited number of neighbors you can cooperate with and you can’t force anyone to cooperate with you. This means if neighboring communities are not willing to cooperate with you for whatever reason (for example, you have a high-service-need/high-cost population) then you are unable to use this tool.

Revenue tools also have barriers. Although the housing market crash that accompanied the Great Recession threatened property taxes, this remains a preferred tool for local governments. Places with higher home values are more dependent on property taxes. In contrast, places with lower home values, more loss in home values during the recent recession, and more poverty rely more on charges and fees. Thus, charges and fees seem to be a useful alternative for places that lack a strong property tax base. However, not everybody can use this tool. Suburbs, places with low growth, and places in states with more stringent tax and expenditure limits rely less on charges. This reflects how user fees require a service profile that can be charged for (more common in urban places) and developer or impact fees require growth pressures.



Image by Nghi Nguyễn for Cornell Local Fiscal Stress Project.

About the Author:

Yunji Kim is an assistant professor in the University of Wisconsin-Madison’s Department of Planning and Landscape Architecture and an extension specialist in UW-Extension’s Local Government Center. Her research focuses on how local governments collect revenues and deliver services within the constraints of demography, economy, and state policy; and how these choices shape community well-being. Contact Yunji at ykim535@wisc.edu

*\*In this article, local governments refer to general-purpose local governments (counties, cities, towns, villages).*

*\*\*Stay tuned! In the August issue of The Municipality, I will focus on the Wisconsin story – what drives fiscal stress and how local governments have responded in the Badger State.*

**What Does the Future of Local Governments Look Like?**

There is a story about boiling a frog. If you throw the frog into hot water, he will immediately jump out. But if you put him in a pot and slowly heat up the water the frog will boil to death because he doesn’t feel the increase in temperature until it’s too late. The story reminds me of the current predicament of local governments. They have made it through the Great Recession by holding onto services with the “do more with less” strategy. But as the heat from economy, demography, and state policy rises, we should start questioning how far pragmatic municipalism will take us.

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# An Examination of Wisconsin BIDs

Charles Law, Ph.D., Director of UW-Extension's Local Government Center

Beth Richmond, Master's degree candidate, UW-Madison's Department of Planning and Landscape Architecture

With the passage of Wisconsin Act 184 in 1983, the state has allowed Wisconsin municipalities (i.e., cities, villages, and towns) to create and operate funding mechanisms known as Business Improvement Districts (or BIDs) under the same state statutes legislating special assessments.

A BID represents a specified geographic area where owners of commercial (and, in some cases, industrial) properties are assessed each year to generate funds that can be used for promoting, managing, maintaining or developing the district. Tax-exempt properties (i.e., religious, public utility, or government properties) or those used exclusively as residences are excluded from the assessments.\*

UW-Extension instituted a longitudinal study examining Business Improvement Districts beginning in 1992. As we celebrate over a quarter century of this work let's reflect on what makes the Wisconsin experience unique and what we have learned.

There are now over 1,000 BIDs throughout the country. What makes Wisconsin unique are the number of BIDs that have been created and continue to operate as well as how these districts can be found in both very small and large communities.

Wisconsin ranks third in the country with 83 BIDs currently in operation. BIDs can be found in any size Wisconsin community, but unlike in most states, Wisconsin has a disproportionate number of BIDs in small communities. According to the national BID census completed in 2008, 20.7% of BIDs are located in communities with a population under 25,000. In Wisconsin, that proportion jumps to 48.8%.

Many Wisconsin BIDs focus on the more traditional aspects of downtown development including: physical improvement to buildings and the installation and maintenance of street furnishings, lighting, landscaping; marketing and promotional programs; and advocating on behalf of district businesses. But BIDs generally do much more. Rather than focus on the procedures for creating a BID which are documented elsewhere, this article will examine four different BIDs in the state and explore some of the lessons learned from over 25 years of research.

## Eau Claire

The South Barstow BID in Eau Claire (population 66,339) was established in 1985 and was the first BID created in the state. Formed out of the Downtown Business Association, whose director and president were eager to find a way to fund downtown beautification projects, it is the largest district of four that currently operate within the city.

The BID was initially responsible for mostly small-scale aesthetic improvements including the installation of banners, informational kiosks, and holiday lighting, as well as street maintenance and cleanup. These tasks are now completed by city staff and hired professionals. Today, BID funds are still used to make the district more pleasing, but focus on more enhanced streetscape improvements including plantings in large flower pots and hanging baskets and the outdoor sound system used to play music along the street.

It is important to note that while the BID budget has increased slightly over time, levy rates in the district have



\* More information on BIDs: UW-Extension Local Government Center's Fact Sheet No. 9 <https://lgc.uwex.edu/resources-for-local-officials/#factsheets>

decreased due to the significant amount of new development in the area, including the much-anticipated \$51 million Confluence Center in a once blighted part of the downtown.

According to Mike Schatz, Eau Claire's Economic Development Director and BID manager for the South Barstow BID since 2002, "developers choose their development sites carefully after taking neighborhood characteristics into account." The BID businesses and property owners have taken care of the South Barstow area for years, and the once neglected neighborhood is now attractive to downtown development. The BID has also helped guide the area through the new challenges brought about by the recent development, including parking concerns and road closures; experience obtained through a rich history of doing business in and promoting the area.

As things have improved within the district, there has been an increased demand for plantings, streetscaping, and bike racks outside the district boundaries.

The BID has enjoyed a strong working relationship with the city. At its inception, a city planning staff member monitored the BID budget, took BID Board meeting minutes, and kept lines of communication open between the city and the BID. In 2001, Downtown Eau Claire Inc. (DECI) was created and is now responsible for managing all four of Eau Claire's BIDs and serving as a liaison between the BIDs and the city. These organizations complement each other well and have made downtown Eau Claire stronger.

With over three decades under its belt, it's safe to say that the South Barstow BID continues to prove its worth. What started out as a strategy to fund beautification projects in Eau Claire's downtown has grown into a dedicated business community and reliable funding source used to promote the aesthetics of the area and to support and integrate new development within the district.

### **Brodhead**

The City of Brodhead (population 3,276) is one of the smallest Wisconsin municipalities with a BID. Operating since 1987, BID support grows stronger every year. Unlike their larger counterparts, the Brodhead BID has never had a paid employee. All of their activities are supported by a volunteer corps that most communities would envy.

Centrally located in idyllic Green County, Amish buggies are a common sight in the community.

Brodhead Mayor Doug Pinnow, a BID Board member for 30 years, and for a majority of those years the BID Board

chairperson, noted that establishing the BID wasn't easy. "About a half dozen property owners didn't want it and people in general didn't care about it, so we were creative in determining what properties to include."

The BID levy per property was originally \$2.50/\$1,000 of assessed value. This generated about \$4,000 which was matched dollar-for-dollar by the city. Its initial focus was working with property owners to spruce up their buildings. The BID paid for half the cost of window replacement (up to \$250 per window) and the chemical cleaning of brickwork and window trim.

The BID also improved the streetscape. Street trees, flower barrels, and hanging pots were paid for through BID assessments. The BID built a gazebo, a new wall, and added plantings in the district's park square. Donations of labor and money pay for maintenance.

People began to notice these improvements and recognized the commitment the BID was making to preserve historic downtown buildings and enhance the look of the downtown. Property owners responded in kind with individuals paying for approximately 30 new light posts of a historic design (each costing approximately \$1,000).

The BID also supports general improvements to areas outside the district as a way of attracting visitors and contributing to the quality of life for all residents in the community. This included new community entryway signs and partial funding for three murals. The BID has also helped fund marketing strategies to attract newcomers to the community including magazine advertising, billboards, and radio ads. They are currently supporting the development of a new website and social media campaigns.

Throughout the year, the BID supports a number of promotional events and, most recently, helped start summer Sunday night concerts in a park a block away from the district.

City officials have never questioned the annual BID operating plans and, like many other BIDs, the assessment has varied little over time. After the city went through a reassessment process about 20 years ago, they decreased the assessment to \$1.80/\$1,000, and it has remained that way ever since.

Brodhead's efforts represent as harmonious an example as you will ever find in downtown development. They work hard to create opportunities for residents to be involved, keep them engaged, and keeps things positive. The BID provides the foundational funding necessary to accomplish this.

## Beloit

With a population of not quite 37,000, Beloit is a medium-sized BID community. The BID is located in its traditional downtown business area. Described by Shauna El-Amin, the BID's Executive Director, as a community "with an urban flair. Beloit celebrates the arts in all its forms and gives a warm nod to an industrial past. Downtown Beloit is very much a neighborhood, where customers are friends and culture and art are accessible to all."

Centered on the banks of the Rock River, the district boasts hanging baskets and urns on tree-lined streets, bike paths and a public canoe/kayak launch to encourage walking, biking, and skating, as well as quiet water sports.

Beloit's BID was formed in 1987. A year later it became one of the first communities to be selected by the Wisconsin Department of Commerce, now Wisconsin Economic Development Corporation (WEDC), as a Main Street Program.

Over the past 30 years, downtown Beloit has experienced a true renaissance. The BID contributes to more than 50 days of events a year: from a summer lunchtime concert series to an

ArtWalk featuring local artists; to a Saturday morning farmers' market that draws more than 90 vendors and 9,200 people weekly. The downtown district prides itself on its low vacancy rate, which currently is less than 4%.

The district provides salaries for two full-time and two seasonal part-time staff to support its programs and activities. Over its 30-year lifespan there have been only four BID managers or directors.

The BID assessment has only changed once when the original rate of \$3.21/\$1,000 was increased to \$4.27/\$1,000. The boundaries have not been altered except to reflect changes in street alignment.

## Kenosha

The property owners in the Kenosha BID known as the Uptown Brass Village (UBV) are interested in reestablishing the previously dissolved district. After 20 years of operation it disbanded in 2005 over concerns of fiscal mismanagement and the perception of impropriety.

UBV is a historic commercial district with many assets located within a dense residential neighborhood, just over 20 blocks

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west of Kenosha's lakefront in the heart of the city. With the dissolution of the BID, the area experienced a significant decline in its retail mix and widespread disinvestment.

The push to recreate the UBV has been met with some skepticism as the district struggles to overcome negative perceptions. To build the community's confidence and establish credibility, UBV gained the Wisconsin Economic Development Corporation's (WEDC) Connect Community designation in 2017. They have begun hosting high profile art promotions and cleanup events and leveraging key partnerships within the community. UBV now looks forward to tapping the valued experience and technical expertise of their downtown counterparts in Kenosha's Lakeshore BID (which earned Wisconsin Main Street designation in 2013) and will likewise be considering the formation of up to four sub-committees, fashioned after the WEDC Main Street Program approach (i.e., Design, Organization, Promotion, Economic Vitality) as it grows its volunteer base in numbers and capacity.

## Lessons Learned

BIDs have been a stable funding mechanism for supporting and sustaining long-term development in many of the state's traditional business areas and commercial corridors. Despite the fact that BIDs can be dissolved, relatively few (only 10) have done so. The majority of Wisconsin's BIDs have been operating over 21 years.

Administrative turnover is low. Kaye Tenerelli, Executive Director of the Superior BID retired in 2015 after serving the community for 23 years. Beth Weirick has led Milwaukee's Downtown Business Improvement District (#21) since its inception in 1998. Menomonie's BID Manager Marilyn Tye held that position for over 25 years.

BIDs offer flexibility. State statutes do not dictate how a community will assess properties within the BID. Assessment rates and/or the methodology employed are established by the community. BID programs and services can be virtually anything as long as they can be reasonably aligned with the "promotion, management, maintenance or development" of the district.

BIDs can often muster collective action on issues requiring more than municipal leadership and can initiate marketing campaigns and retain professional expertise and physical improvement projects that business owners would be unable to afford on their own.

While local municipalities often augment the BID through grants, joint production, and coordination of special events, the provision of office space and/or equipment, local policymakers

might want to consider new ways to provide incentives to expand participation in Business Improvement Districts.

More information about Wisconsin BIDs can be found at: [lgc.uwex.edu](http://lgc.uwex.edu)

## About the Authors:

Chuck is a Community Planning and Design Specialist who has served as the Director of UW-Extension's Local Government Center since 1999. His great Uncle Jim served as President of the League of Wisconsin Municipalities from 1939-41 while mayor of Madison. As a result of the research outlined in this article, he is often called upon to help educate Wisconsin communities about BIDs, how they are created, and how they operate. Contact Chuck at [chuck.law@uwex.edu](mailto:chuck.law@uwex.edu)

Beth is a recent graduate of UW-Madison's Planning & Landscape Architecture Department. While earning her master's degree, she worked with Chuck inventorying Wisconsin BIDs and collaborating with BID managers and BID board members across the state. She now works in Minneapolis as a planner. Contact Beth at [brichmond3@wisc.edu](mailto:brichmond3@wisc.edu)



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# Managing the Risks of Tax Increment Financing

Matthew P. Dregne, Partner, Stafford Rosenbaum LLP



Tax increment financing (“TIF”) is a local economic development tool that can be an essential ingredient in making a development project happen. However, financing a development project can expose a municipality and its taxpayers to significant financial risk. This article describes common risks and risk management strategies associated with TIF projects.

All TIF projects have one important feature in common: they depend on private development to increase the assessed value of taxable property. In a TIF district, the tax revenue generated by that increase in value is the economic engine that pays the bills. Most of the risks involved in TIF projects stem from the risk that anticipated private development will fall short of expectations. If anticipated tax revenue fails to materialize, then, without adequate safeguards, taxpayers will be left paying the bill.

The degree of risk a TIF project exposes the municipality to will vary widely depending on the circumstances. For example, some communities have independently purchased land and constructed infrastructure to develop a business or industrial park, hoping to attract new development and promote economic development. One might call this the “if you build it, they will come” model. With this approach, the municipality is bearing all the risk that private development will not come, or will come more slowly or at lesser values than needed.

A municipality is in a stronger position to manage financial risk when partnering with a developer, particularly one who is ready to proceed with a private development project. When partnering with a private developer, the municipality has the opportunity to shift financial risk from the taxpayer to the developer.

One way a municipality can protect itself when partnering with a developer is to use the so-called “pay-as-you-go” approach. With this approach, the municipality’s financial contribution to the project is strictly limited to tax increment actually generated by the private development project after the project is completed. The municipality does not finance up-front development costs and does not borrow money. If the private development does not generate enough value to pay the municipality’s financial contribution, it is the developer, and not the municipality, who doesn’t get paid.

Sometimes a developer needs TIF funding at the front end of a project, making the pay-as-you-go approach unworkable. Typically in those cases, the municipality borrows money for the project, exposing itself and taxpayers to debt service obligations before the private development has occurred. Without proper safeguards, the municipality faces risks that the private development will not be completed, will not be completed on schedule, or will be assessed as planned at a lower value than anticipated.

When a municipality provides up-front financing for a development project, it should manage its financial risk by requiring two things from the developer. First, the developer should be required to promise (i.e., “guarantee”) that its project will generate enough new taxable value to fully fund the municipality’s debt service payments. Second, the developer’s guarantee should be adequately secured.

When seeking to secure a developer’s guarantee, a municipality’s position is analogous to that of a bank making a loan. The bank will require security in the form of

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collateral, such as a mortgage. A developer's guarantee to the municipality can be secured in various ways, including, but not limited to, a letter of credit from a bank, a special assessment lien, a mortgage, and personal and corporate guaranties.

Obtaining adequate security tends to be one of the more challenging and complex elements of any TIF-related development agreement. In many cases, developers will lean hard on a municipality to accept something less than full security. In those cases, municipalities need to recognize the extent to which they are putting their taxpayers at financial risk. If a bank wouldn't take such a risk, why should a municipality and its taxpayers?

In conclusion, TIF is a powerful economic development tool, but one that can pose substantial financial risks. With proper safeguards, these risks can be managed. Municipalities should work with qualified legal and financial advisors whenever funding development projects.

#### About the Author:

Matthew P. Dregne is a partner in the law firm of Stafford Rosenbaum LLP, and chairs the firm's government law practice group. His practice is focused on representation of local governments. Contact Matt at MDREGNE@staffordlaw.com

**A TIF Agreement should contain guarantee and security provisions. The language set forth below is for *illustrative purposes* only. Your municipal attorney should draft language that is specific to your municipality's circumstances.**

*Sample "guarantee" language: Guarantee of Sufficient Actual Tax Increment to Pay Annual Debt Service.* Developer guarantees that, beginning in the calendar year \_\_\_\_\_, the Actual Tax Increment will be sufficient to fully pay the Annual Debt Service on City Borrowing. If, in any calendar year beginning with calendar year \_\_\_\_\_, the Actual Tax Increment received by the City is insufficient to pay the Annual Debt Service due that year, then Developer shall be required to pay to the City, and the City shall be entitled to draw on the Letter of Credit, the amount by which the Actual Tax Increment is insufficient to pay the Annual Debt Service due that year.

*Sample "letter of credit" language:* Developer shall provide an irrevocable letter of credit issued pursuant to Chapter 405 of the Wisconsin Statutes to the City to secure Developer's tax increment guarantee obligations under Section \_\_\_\_ of this Agreement. The letter of credit shall be in a form acceptable to the City, and shall be issued by an entity that is acceptable to the City, or that has a rating of its long-term unsecured debt not lower than A1 by Moody's Investors Service or A+ by Standard and Poor's. It shall be payable at sight to the City, and shall bear an expiration date not earlier than \_\_\_\_ years after its initial issuance. The letter of credit shall be payable to the City at any time upon presentation of the following: (1) a sight draft drawn on the issuing bank in an amount to which the City is entitled under this Agreement; (2) an affidavit executed by a person authorized by the City stating that monies are due from Developer pursuant to the guarantee obligations in Section \_\_\_\_\_; and (3) the letter of credit.

After the initial term, Developer shall timely renew the letter of credit for additional terms of not less than one year, so that the amount of the letter of credit is at all times not less than the amount required by this Agreement. The initial and each renewed or replacement letter of credit shall by express language be automatically extended without amendment for a period of one year from its expiration date, unless at least 45 days before such expiration date the issuer of the letter of credit notifies the City in writing that the letter of credit will not be extended for an additional one-year period, or notifies the City in writing that the letter of credit will be renewed or replaced by a letter of credit in an amount that is less than the amount required by this Agreement, which amount shall be specified in such written notice. Upon receipt of notice that the letter of credit will not be extended for an additional one-year period, or will be extended, renewed or replaced in an amount that is less than the amount required by this Agreement, the City may draw upon the letter of credit an amount sufficient to secure performance of Developer's remaining guarantee obligations. The amount of the initial and each renewed or replacement letter of credit shall be equal to the total principal and interest payments that remain unpaid on all remaining Annual Debt Service Payments on City Borrowing. The Annual Debt Service payments that will be paid by Actual Tax Increment that has been created within the District shall be calculated by the City, using the actual Value Increment that has been created within the District at the time the required amount of the Letter of Credit is calculated, using the mil rate effective at that time.

# Special Assessments - A Common Way to Recover Costs of Public Improvements

Curt Witynski, Deputy Executive Director, League of Wisconsin Municipalities



Several months ago a state legislator called me into his office to discuss a question he had received from a constituent. The constituent had called to complain about the city charging her a special assessment of over \$1,000 for sidewalk and curb and gutter repairs. The legislator asked me whether the city could do this and if so whether other municipalities charge property owners for similar public improvements. I assured the legislator that municipalities have clear and longstanding authority to specially assess property owners to help pay for public improvements and that it was common for communities to do so.

I was surprised the legislator was unaware that communities have been able to specially assess property owners to recover the cost of public improvements for over 100 years. Our conversation started me thinking that perhaps other legislators and even some local officials are unfamiliar with this traditional method of paying for public work.

Special assessments are charges levied by municipalities against real property to recover some or all of the costs of a public work or improvement that specially benefits such property. Special assessments can be used to pay for street construction, sidewalks, curb and gutter, storm and sanitary sewer improvements, water mains, tree removal, parkland condemnation, and many other public improvements. Special assessments may be levied against nearly all public<sup>1</sup> and private property, including tax exempt parcels, for all or a portion of the cost of a public work or improvement as long as the following basic requirements are met:

1. The property is in fact specially benefited by the improvement; and
2. The amount of the assessment is made on a “reasonable basis.” *CIT Group v. Village of Germantown*, 163 Wis.2d 426, 471 N.W.2d 610 (Ct. App. 1991).

The procedure for levying special assessments is set forth in the statutes at Wis. Stat. sec. 66.0703. The Wisconsin special assessment statute first appeared in its present form in 1945.<sup>2</sup> That statute was quite similar to the current one, which generally enables and sets out a process for municipalities to levy and collect special assessments for any municipal work or improvement. Prior to 1945, separate grants of authority to levy special assessments were sprinkled throughout the statutes and were connected to the specific type of work being performed.

Over the years, court decisions have made it clear that the procedure for levying special assessments set forth in the statutes must be strictly followed. Failure by a municipality to strictly adhere to the procedural requirements may result in a court voiding the assessment and requiring that the assessment be refunded.

The process for levying special assessments includes the following critical steps:

1. **Preliminary resolution.** The governing body adopts a preliminary resolution declaring that the governing body intends to exercise its police or taxing power to specially

assess for a stated municipal purpose. The resolution must contain a description of the purposes for which the assessment is to be levied and other information specified in Wis. Stat. sec. 66.0703(4). The preliminary resolution must also order the public works director or other appropriate municipal officer or employee to prepare a report on the proposed work or improvement and the proposed special assessments.

2. **Report.** The public works director or other appropriate municipal officer shall prepare a report consisting of:
  - a. Preliminary or final plans and specifications.
  - b. An estimate of the entire cost of the proposed work or improvement.
  - c. An estimate, as to each parcel of property affected, of the assessment to be levied.
3. **Public Hearing.** The governing body, one of its committees, or the board of public works must conduct a hearing prior to the levying of the special assessments. When the report mentioned above has been completed and filed with the clerk, the clerk sets a hearing date and publishes a class 1 notice of a public hearing on the proposed work and special assessment. In addition, a copy of the hearing notice must be mailed to every interested party whose post office address is known or can be ascertained with reasonable diligence. After the public hearing the governing body may approve, disapprove, or modify

the report. Alternatively, the governing body may re-refer the report to the officer or employee who prepared it with directions to add or alter the plans and specifications and to accomplish a fair and equitable assessment.

4. **Final Resolution.** When the governing body determines to proceed with the work, it must approve the plans and specifications contained in the report and adopt a final resolution. The resolution should contain:

- a. A direction that the public work or improvement be performed and the special assessments levied as indicated in the report or as modified after the public hearing and set forth in the resolution.
- b. The number and terms of any installment payments allowed.
- c. A provision for collection of the assessment and any penalties

imposed for failure to timely pay the assessment or any installments.

- d. A statement that all assessments or installments not paid by the date specified shall be extended on the tax roll as a delinquent tax and collected in the same manner as delinquent real estate taxes.
- e. The terms and conditions of any allowed deferral of an assessment while no use is made of the improvement.

The final resolution must be published as a class 1 notice in the assessment district and mailed to each interested person whose address is known or can be ascertained with reasonable diligence.

In addition to the general special assessment enabling law, the statutes also allow a common council or village board to establish local special assessment procedures by ordinance provided

the ordinance includes provisions for reasonable notice and hearing. Wis. Stat. sec. 66.0701. Also, the statutes provide a simplified procedure to order sidewalks constructed or repaired at the abutting property owners' expense. Wis. Stat. sec. 66.0907. The statutes even allow a municipality to specially assess property in an adjacent town, city, or village which abuts and benefits from an improvement as long as the governing body of the adjacent municipality adopts a resolution approving the levy. Wis. Stats. sec. 66.0707.

Municipalities have discretion whether to use special assessments. Some communities don't. Many do. Communities also have discretion regarding the types of public improvements for which they specially assess. For example, some communities may specially assess for new sidewalks, but not for sidewalk repairs. Others may specially assess for curb and

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gutter, but not full street repairs. A community that specially assesses must also decide the percentage of the cost of a public improvement that it chooses to recover from special assessments. Some communities may recover 50 percent or less of the cost of a project through special assessments. Others may, depending on the type of work, specially assess 100 percent of the cost.

Some communities have adopted special assessment policies guiding staff and informing the public about what types of improvements and how much of the cost of the improvement will be specially assessed.

The special assessment process can be complex and at times controversial. The League has several resources providing more information on this important

tool for recovering the cost of municipal work. Contact the League office for more information about the following:

- League legal opinions on the topic of special assessments. (League attorneys have written hundreds of formal opinions in the last 70 years covering many different special assessment issues.) Use the search function on our website.
- The League publishes a *Special Assessments in Wisconsin Manual*, which includes sample forms.
- Special Assessment FAQs are posted under the legal tab on the League's website: <http://www.lwm-info.org/1095/Special-Assessments>
- The League has collected sample municipal special assessment policies,

resolutions, and ordinances, which are posted on the League's website: <http://bit.ly/SpecialAssessments>

**Special Assessments 653**

About the Author:

Curt Witynski, League Deputy Director manages the League's lobbying program, representing the League before the Legislature, the governor's office, and state agencies. He writes the *Legislative Bulletin* and *Capitol Buzz* newsletters, organizes legislative material and the Budgeting Toolkit for the League's web page, and answers questions from the media and members about legislation. Contact Curt at [witynski@lwm-info.org](mailto:witynski@lwm-info.org)

1. Property of the United States is exempt from special assessments. Wis. Stat. sec. 1.04. Other property specified in Wis. Stat. sec. 66.0705, such as state property held for highway right of way purposes, is also exempt from special assessments.  
 2. Sec. 66.60, Wis. Stats. (1945).



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# Determining Residency of Municipal Officers

Claire Silverman, Legal Counsel, League of Wisconsin Municipalities

At the time they are elected, members of municipal governing bodies and other local elected officers must be resident electors of the municipality.<sup>1</sup> Common council members representing aldermanic districts must not only reside within the city but must also be residents of the district from which they are elected.<sup>2</sup>

While virtually all elected offices have a residency requirement, the same is not true for appointive offices. Some appointive offices are subject to a residency requirement.<sup>3</sup> Others are not.<sup>4</sup> Some municipalities have enacted local laws that require residency in order to be eligible for appointment to certain appointive offices even though state law does not impose such a requirement.

Where residency is an eligibility requirement for holding office, it is not enough for the office holder to be a resident at the time of election or appointment. Residency must be maintained throughout the term. A local elective office is vacated when the incumbent ceases to be a resident of the municipality or district from which he or she was elected.<sup>5</sup> In addition, if residency is a local requirement for appointive offices, a local appointive office is vacated

when the incumbent ceases to be a resident of the municipality.<sup>6</sup>

Sometimes questions arise concerning the residency of municipal officers. For example, where does an elected municipal officer reside when he or she maintains two dwelling places, one inside and one outside the municipality? Does an elected officer who is forced by circumstances to temporarily move outside of the municipality or district from which elected cease to be a resident? Because Wis. Stat. sec. 17.03(4) provides that failure to maintain residency results in the office being vacant, determinations regarding residency are important and must be made carefully. This comment discusses what factors are pertinent in determining a municipal officer's residency.

## Standards for Determining Residency

State statutes governing city and village officers do not define "resident," but Wis. Stat. sec. 6.10 provides standards governing residence as a qualification for voting. Since elected officials must be "resident electors," these standards are clearly relevant. Section 6.10 provides,

among others not included here, the following standards:

- The residence of a person is the place where the person's habitation is fixed, without any present intent to move, and to which, when absent, the person intends to return.<sup>7</sup>
- When a married person's family resides at one place and that person's business is conducted at another place, the former place establishes the residence. If the family place is temporary or for transient purposes, it is not the residence.<sup>8</sup>
- The residence of an unmarried person sleeping in one ward and boarding in another is the place where the person sleeps.<sup>9</sup> The residence of an unmarried person in a transient vocation or a teacher or student who boards at different places including for, some of the time, his or her parents' home, is the parents' home unless the person has elected to establish a residence elsewhere.
- A person shall not lose residence when the person leaves home and goes into another state or county, town, village

1. Wis. Stat. secs. 61.19 and 62.09(2)(a). A resident elector is a U.S. citizen, age 18 or older who has resided in an election district or ward for a certain duration before the election. Wis. Stat. sec. 6.02. That duration is in question. The legislature increased the durational residency requirement from 10 days to 28 days in 2011 Wis. Act 23, but the United States District Court for the Western District of Wisconsin concluded that the increase was unconstitutional. *One Wisconsin Inst., Inc. v. Thomsen*, 198 F. Supp. 3d 896, 906 (W.D. Wis. 2016). The decision is currently being appealed to the Seventh Circuit.

2. Wis. Stat. sec. 62.09(2)(a).

3. Examples of appointed offices subject to a residency requirement include library board members under Wis. Stat. sec. 43.58, board of review members under sec. 70.46, and commissioners for a redevelopment authority under Wis. Stat. secs. 66.1333(3)(a)3., applicable to villages by sec. 66.1339.

4. For example, state statutes do not require that plan commission, zoning board of appeals or police and fire commission members be municipal residents.

5. Wis. Stat. sec. 17.03(4)(c).

6. Wis. Stat. sec. 17.03(4)(d).

7. Wis. Stat. sec. 6.10(1).

8. Wis. Stat. sec. 6.10(2).

9. Wis. Stat. sec. 6.10(4).



or ward of this state for temporary purposes with an intent to return.<sup>10</sup>

- As prescribed by article III of the constitution, no person loses Wisconsin residence while absent from Wisconsin on state or federal business, and no member of the U.S. armed forces gains Wisconsin residence because of being stationed in Wisconsin.<sup>11</sup>
- No person gains a residence in any ward or election district of this state while there for temporary purposes only.<sup>12</sup>
- A person loses Wisconsin residence if he or she moves to another state with an intent to make a permanent residence there or, if while there, exercises the right to vote as a citizen of that state.<sup>13</sup>
- Neither an intent to acquire a new residence without removal, nor a removal without intent, shall affect residence.<sup>14</sup>

In addition to the above standards, there are some cases that provide insight on residency. Although the cases involve determining residency of municipal employees rather than municipal officers, and were decided before Wis. Stat. sec. 66.0502 prohibited municipalities from requiring employees to reside within the municipality, they are useful because the courts are examining what residency means.

In *Kempster v. City of Milwaukee*,<sup>15</sup> the Wisconsin Supreme Court analyzed a provision of Milwaukee's charter requiring that the health commissioner

reside in the city continuously for one year prior to appointment. The court stated:

“The word ‘residence’ as used in the charter does not mean physical location continuously. It is used in the broad sense of domicile requisite to citizenship. For the purposes of such residence there must be an actual location in the place in question, with the intention of making it a permanent home. That is sufficient to meet all the requisites of legal residence at the outset. In one sense a person may have more than one place of residence, but he can have only one which has the element of permanency essential in a legal sense to his domicile. He can have only one domicile at one time. To constitute that there must be an actual location, with the intent to make such place his home indefinitely...”

*Kempster*, 97 Wis. at 347-348, 72 N.W. at 744 745 (1897).

In *Eastman v. City of Madison*,<sup>16</sup> a Madison police officer and firefighter sought reinstatement as Madison employees after their positions of employment were vacated for failure to comply with the city's residency ordinance. The employees kept apartments in Madison and Madison mailing addresses, telephone numbers, automobile and voter registrations. However, the employees' spouses and families lived exclusively outside Madison and the children attended school outside of Madison. Moreover, the employees spent most of their off-duty time in their homes outside of Madison.

The employees claimed that they complied with the residency ordinance even though they had homes outside the city. However, the court disagreed. The court of appeals referred to the definition of “residence” in Black's Law Dictionary in determining that the ordinance requiring city employees to “reside” in the city was not unconstitutionally vague. The court noted, “Black's Law Dictionary defines ‘residence’ as ‘[p]ersonal presence at some place of abode with no present intention of definite and early removal.... Residence implies something more than mere physical presence...’”<sup>17</sup>

In analyzing the residency issue, the court declared that “[c]ontinuous personal presence and intention establish residency.”<sup>18</sup> The court noted, however, that the employees' declarations of intent were not conclusive because “[s]uch declarations are only evidence of state of mind and ‘may be suspect because of their self-serving nature.’”<sup>19</sup> The court stated, “The self-serving declaration cannot be conclusive but must yield to the intent which the acts and conduct of the person clearly indicate.”<sup>20</sup> In addition, the court of appeals indicated that “the location of immediate family, and the site of children's schooling is significant in determining residency.”<sup>21</sup> Thus, the *Eastman* court concluded that the fact that the employees maintained apartments and voter registrations in Madison, “in light of the totality of the circumstances, establishes neither the intent nor the presence necessary

10. Wis. Stat. sec. 6.10(5).

11. Wis. Stat. sec. 6.10(6).

12. Wis. Stat. sec. 6.10(8).

13. Wis. Stat. sec. 6.10(10).

14. Wis. Stat. sec. 6.10(11).

15. 97 Wis. 343, 72 N.W. 743 (1897).

16. 117 Wis.2d 106, 342 N.W.2d 764 (Ct. App. 1983).

17. 342 N.W.2d at 769, quoting Black's Law Dictionary 1176 (rev. 5th ed. 1979).

18. *Id.* at 770.

19. *Id.*, quoting Restatement (Second) of Conflict of Laws.

20. *Id.*, quoting *McCarthy v. Phila. Civ. Svc. Comm.*, 339 A.2d 634, 637 (Pa. 1975), *aff'd*, 424 U.S. 645 (1976) (*per curiam*).

21. *Id.*

for residency” under the Madison ordinance.<sup>22</sup>

In an Illinois case, the Seventh Circuit court of appeals found that a city employee who resided within city limits only two days per week and lived with his wife outside the city limits the remainder of the time period for 20 years, violated a city residency ordinance even though the employee paid taxes, registered his car, voted, and obtained his driver’s license using his city address, where his wife continuously resided in the marital home.<sup>23</sup>

It is evident from case law and the standards listed above that residency determinations must be made on a case-by-case basis. In general, temporary absences from one’s residence do not result in the loss of residency. In addition, a person’s intention is important, but it must be supported by and not contradicted by the facts.

It’s clear that an important factor in determining residency is continuous personal presence at a particular location. This inquiry focuses on where the person spends most of his or her non-working time. Other relevant considerations in determining the residency of a person dividing time between two dwellings are the location of the person’s immediate family, and the site of the children’s schooling, if any. In addition, other facts should be taken into account when determining the residency of a person, such as: where the person is registered to vote, the person’s mailing address, and what address appears on the person’s

driver’s license, car registration, bank accounts, and tax returns.<sup>24</sup>

## Who Determines the Residency of a Municipal Officer?

When questions are raised concerning the residential status of a municipal officer, who or what body is authorized to make a determination concerning the officer’s residency? With regard to municipal governing body members, each city and village governing body may determine the residency of its members. This is because village boards and common councils have the power to judge the qualifications of their members.<sup>25</sup> Municipal governing bodies should not, however, make a determination regarding a member’s residency without holding a due process hearing. Also, such a determination is subject to judicial review.

In addition to the ability of municipal governing bodies to determine the residency of their members, any individual who believes that a person holding a local elective office is not a resident of the municipality or district in which he or she serves may file a complaint with the attorney general alleging that the individual is not qualified to hold office because of a failure to meet a residency requirement.<sup>26</sup> The attorney general may, when such a complaint is filed, investigate whether the allegations are true. If the attorney general finds that the allegations in the complaint are true, the attorney general may commence an action under ch. 784, Stats., for a writ of quo warranto to have the person’s office declared vacant

because of failure to meet a residency requirement.<sup>27</sup>

If the attorney general refuses to act on a complaint alleging that a particular officer is not a resident of the municipality or district in which the officer serves, the complainant may, on his own, commence a quo warranto action under ch. 784.<sup>28</sup> However, only a person who has an interest which is distinct from that of the general public would have standing to commence a quo warranto action. *City of Waukesha v. Salbashian*.<sup>29</sup> But, as the *Salbashian* court explained, “only a slight interest” is necessary to qualify a person to apply for leave to prosecute a quo warranto action.<sup>30</sup>

## De facto Officers

When an elective municipal officer, such as a common council member, moves out of the municipality or district from which elected but continues to exercise the powers and duties of the office for the remainder of his or her term, the officer’s votes and any actions taken by the governing body are valid. While an elective municipal officer who ceases to be a resident of the municipality may not be considered a de jure officer, he or she is a de facto officer if “in possession of [the office], performing its duties, and claiming to be such officer under color of an election or appointment.”<sup>31</sup> The acts of a de facto officer are valid as to the public and third parties, and cannot be attacked collaterally.<sup>32</sup>

► p.25

22. *Id.*

23. *Gusewelle v. City of Wood River*, 374 F.3d 569 (7th Cir. 2004).

24. See Officers 743.

25. Wis. Stat. secs. 61.32 and 62.11(3)(a).

26. Wis. Stat. sec. 8.28(1).

27. Wis. Stat. sec. 8.28(2).

28. Wis. Stat. sec. 784.04(2).

29. 128 Wis.2d 334, 349, 382 N.W.2d 52, 57 (1986).

30. *Id.*

31. *State ex rel. Reynolds v. Smith*, 22 Wis.2d 516, 522, 126 N.W.2d 215 (1964).

32. *Burton v. State Appeal Board*, 38 Wis.2d 294, 304-05, 156 N.W.2d 386 (1968); 77 Op. Att’y Gen. 228, 229 (1988).

**Conclusion**

Occasionally, questions arise concerning the residency of a particular municipal officer. This Comment has reviewed various factors to consider when attempting to determine the residency of a municipal officer. The residential status of a municipal officer is important because a local elective office is vacated when an incumbent ceases to be a

resident of the municipality or district from which he or she was elected. Also, a local appointive office is vacated when the incumbent ceases to be a resident of the municipality if residency is a local requirement. Thus, it is important to make sure that any determination as to residency is made by considering the relevant factors.

**Governing Bodies 335R2**  
**Officers 751R2**  
**Officers 752R2**  
**Officers 753R3**

About the Author:

Claire Silverman is Legal Counsel for the League of Wisconsin Municipalities. Contact Claire at: cms@lwm-info.org

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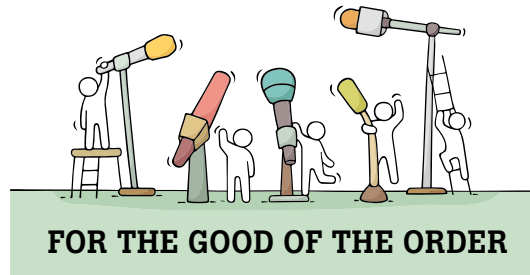
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# Discussion Rules for Chairpersons

Daniel Olson, Assistant Legal Counsel, League of Wisconsin Municipalities

Last month this column focused on agendas and agenda control. Getting something on the agenda is the first step in the discussion process for a city council, village board, or committee/commission. There are many other discussion rules and principles under *Robert's Rules of Order*, and this column highlights a few specifically related to the chairperson.

One general statement that may surprise some members of municipal governing bodies and other subunits, is the right of the chair to participate just as any other member of the body. So, if a chairperson is a member of the body, s/he has all the rights of participation as any other member, including the right to make motions, second motions, participate in discussion, and vote.

A member-chairperson is not obligated to make motions, seconds, or participate in discussion while they are presiding. However, s/he has the full right to do so and this right may not be denied by the remaining membership.

The body, however, may require the chair to temporarily vacate their presiding officer role in order to participate in the

discussion. This is impractical though, with small governing bodies and committees and should not be demanded in those circumstances.

When a chairperson vacates their chair to participate in discussion, s/he must comply with all rules of discussion and debate that apply to all other members. In addition, s/he should not resume their role as presiding officer until the issue being discussed is no longer pending.

Like their right to participate in discussion, a member-chairperson is not obligated to vote while they are presiding. However, s/he has the full right to do so and this right may not be denied by the remaining membership.

A member-chairperson's right to vote may be limited by other law, however. In the case of mayors, their voting rights are restricted by state law to only in cases in which there is a tie vote cast by the voting members of the city council. And, like any other member of a body, the chair's right to vote is lost if s/he has a direct personal or pecuniary interest in the question presented for vote.

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## Legal Captions

### Governing Bodies 335R2

A municipal governing body may determine the residency of its members since village boards and common councils have the power to judge the qualification of their members. Wis. Stat. secs. 61.32 and 62.11(3)(a).

### Officers 751R2

When an elective municipal officer moves out of the municipality or district from which elected but continues to exercise the powers and duties of the office for the remainder of the term, the officer's votes and any actions taken by the governing body are valid, since he or she is a de facto officer and the acts of a de facto officer are valid as to the public and third parties.

### Officers 752R2

Any individual who believes that a person holding a local elective office is not a resident of the municipality or district in which he or she serves may file a complaint with the attorney general alleging that the person is not qualified to hold office because of a failure to meet a residency requirement. The attorney general may investigate the allegations and commence a quo warranto action under ch. 784, Stats., if he or she finds the allegations to be true. Wis. Stat. sec. 8.28.

### Officers 753R3

Under Wis. Stat. secs. 61.19 and 62.09(2), elected city and village officials must be resident electors of the municipality and residency is determined based on facts and intent, and applying standards governing residency for purposes of qualification to vote set forth in sec. 6.10.

### Special Assessments 653

Provides General Overview of municipal special assessment authority and statutory process.



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### Special Assessments FAQ 5

#### **Does a municipality have any authority to reconsider a previously approved special assessment?**

Yes. Wis. Stat. section 66.0703(10) specifically authorizes the governing body of a municipality that decides to reconsider and reopen any assessment to, amend, cancel, or confirm a prior assessment after giving notice as provided in section 66.0703(7)(a) and after a public hearing.

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### Special Assessments FAQ 6

#### **Is a municipality empowered to levy special assessments against a property which is currently outside its corporate limits, to be paid at such time as it is annexed to the municipality, or to charge a hook-up or other fee in the amount of those special assessments at such time as the hook-up is made?**

Wisconsin Stat. sec 66.0707(1) authorizes a municipality to levy a special assessment on property in an adjacent city, village or town, if the property benefits from the work or improvement. However, such a levy must be approved by resolution of the governing body of the municipality where the property is located.

Likewise, deferred special assessments are authorized by sec. 66.0715(2)(a), Stats. However, there is no mention of such deferrals with regard to assessments against property

outside the corporate limits of the assessing municipality that may later be annexed and hooked up. In light of the specific statutory requirement for obtaining approval of a special assessment levy against a property in an adjoining city, village, or town by the governing body of that municipality, the validity of a deferred special assessment against such a property without that approval is questionable.

An alternative method of recovering the costs of extraterritorial improvements is to levy a hook-up charge (also referred to as an initiation or connection charge) when a property is annexed and connects to the water or sewer system. Under this approach, main extensions are financed by (a) special assessment or (b) customer contributions, with the customer contributions based on what would have been specially assessed. Customers connecting within a specified time (usually 20 years) to existing mains reimburse the contributors under (b). Whether reimbursement of the municipality or utility for its costs can be required of persons later connecting depends upon the facts and the language of the municipal utility's rule.

The hook-up charge approach to reimbursement has been approved by the Public Service Commission. See Public Utilities 287. It therefore seems prudent to forego a deferred special assessment approach and use a hook-up charge instead for recovering the costs of public improvements abutting or benefiting properties outside a municipality's corporate limits.

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### Contracts FAQ 1

#### **When must competitive bidding be followed?**

In general, state law requires cities and villages to competitively bid for "public construction," the estimated cost of which exceeds \$25,000. If the estimated cost exceeds \$5,000 but is not greater than \$25,000, the municipality must give a class I notice, under Wisconsin Statutes Chapter 985, of the proposed construction before the contract is executed. Wis. Stat. secs. 61.54 (villages) and 62.15 (cities).

State law is not the only source of bidding requirements. Bidding may also be imposed by local ordinance or policy and these authorities must be checked before moving forward with a project to ensure compliance. In addition, when a project involves state or federal funding, municipal officials should check for any competitive bidding requirements linked to that funding.



## Arts in the Community Awards Due!

The *Arts in the Community Awards*, presented by Arts Wisconsin in partnership with the League of Wisconsin Municipalities, acknowledge local champions who value the arts, culture, and creativity as integral to economic, educational, and community vitality. The goal of the *Arts in the Community Awards* is to honor local elected and government officials and civic leaders who are not usually identified as “arts people,” but

who show leadership in community cultural development and civic engagement through the arts. The application deadline is August 20, 2018. The ninth annual awards will be presented during a reception at the League’s Annual Conference on October 25, 2018, in Wisconsin Dells. Go to [www.artswisconsin.org](http://www.artswisconsin.org) for application information.



## Local Spark Nominations Due!

At WEA Trust, we recognize that the best ideas for Wisconsin’s communities come from the people who live there. That’s why we partnered with the League of Wisconsin Municipalities to launch the Local Spark Award – to support local people with the vision, passion, and drive to spark something special in their community. We believe that Wisconsin can be a better place if innovative ideas – no matter how small – are given the fuel to thrive.



In 2016, the Waukesha Canvas Community Art Project won the Local Spark Award and turned over the paintbrushes to all the citizens who call Waukesha home. The city partnered with the Waukesha Public Art Committee and a small team of local artists to have thousands of citizen artists paint their favorite thing about Waukesha on a 2" x 2" canvas. The mini-canvases were then masterfully assembled into one large masterpiece displayed in the Waukesha Public Library. The project will continue to rotate to other locations throughout the city.



Sally Kahlfeldt wrote in her project submission, “While so much of the news cycle is filled with negative stories about our differences driving communities apart, we feel this project would allow the community to come together.” Kahlfeldt continued, “If they’re

doing pieces about what they love about Waukesha, it’ll help build pride. This project will help unite, it will reach across socioeconomic, age, and culture levels.”

From May 2017 through January of 2018, events were held at schools, parks, local businesses, senior residences, and other community events around Waukesha to paint the canvases. Participants included all ages, from young children to seniors.

The 2018 Local Spark Award will open at the end of July and applicants will have six weeks to submit their entries. Three \$3,000 grants for community projects will be awarded, and anyone who lives in a Wisconsin city or village can enter to win. Visit [www.weatrust.com/localspark](http://www.weatrust.com/localspark) for frequently asked questions and more about evaluation criteria.

# 120th League Annual Conference - Engage & Evolve

October 24-26, 2018 • Kalahari Resort, Wisconsin Dells

Baraboo Bus/Walking Tour: Historic Buildings, a New City Hall & Innovative Funding • Developing Workforce Housing  
• Planning for and Recovering from a Disaster Event • Fundamentals for Municipal Attorneys • TIF: Analysis and Consideration of Greater Community Goals • Go pro! When Communities Should Consider Hiring an Administrator  
• Ethics in 2018: More Important Now Than Ever • Strategies for Supporting Businesses When Streets Are Under Construction • Municipal Partnering: A Smart Cost Reduction Strategy • Conditional Use Administration: A New Paradigm • Can Small Communities be Cool • Construction Delivery Methods for Public Entities • Toolbox of Pavement Preservation • Regionalism & Community Success • Preventing Harassment in the #MeToo Era: Leading Cultural Change to Strengthen Your Organization • Arts + Creativity + Entrepreneurship = Local Vitality • Best Practices for Bidding in a Strong Economy • Large Community Roundtable • Small Community Roundtable • Legislative Update Ask the Attorneys • EPW Track: Attributes of Successful Stormwater Management Programs • Community Engagement Model for Comprehensive Plans • Ethics for Engineers • Grants 101: Public Funding Basics, Trends & Successful Strategies • Telltale Signs of Fraud & Corruption • EPW Track: Engineering Emotional Intelligence

Early Bird Registration is open online at [www.lwm-info.org](http://www.lwm-info.org) (or use the form on page 33 of this magazine). Check out the new, one-day registration options—making this conference as schedule-friendly as possible for all League members!

The Annual Conference Room Block is now open. Make your reservations now to ensure you get the \$115 Single/Double discount rate. Contact the Kalahari Resort directly at 877-253-5466 and reference "League of Wisconsin Municipalities 2018."

## DISCOVER THE COMMUNITY ADVANTAGE

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THE **FOUNDATION** OF OUR  
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Community Insurance Corporation provides liability, workers' compensation and property insurance coverage for cities, towns, villages and school districts. We offer broad coverage, designed specifically to meet the needs of Wisconsin public entities under ONE single liability policy form.

### COVERAGES

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- » Automobile Liability
- » Public Officials Errors & Omissions
- » Property
- » Workers' Compensation
- » Cyber Liability

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- » Community Insurance Care Line - 24/7 nurse triage service for work-related injuries

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Josh Dirkse, Aegis Corporation,  
1.800.236.6885 or [josh@aegis-wi.com](mailto:josh@aegis-wi.com)







**2018 Chief Executives Workshop Registration**  
**Chula Vista Resort, Wisconsin Dells**  
**August 16-17, 2018**

**Register by August 8, 2018**

Name \_\_\_\_\_ Title \_\_\_\_\_  
 Municipality/Company \_\_\_\_\_  
 Street Address \_\_\_\_\_  
 City \_\_\_\_\_ State \_\_\_\_\_ Zip code \_\_\_\_\_  
 Phone number \_\_\_\_\_ email \_\_\_\_\_

I need arrangements to accommodate a disability or dietary need. We will contact you to make those arrangements.

|                                |                                |                               |           |
|--------------------------------|--------------------------------|-------------------------------|-----------|
| Member*                        | Non-member                     | Guest**                       | Total Due |
| <input type="checkbox"/> \$185 | <input type="checkbox"/> \$215 | <input type="checkbox"/> \$30 | _____     |

**Please let us know your plans:**

|                          |                          |  |
|--------------------------|--------------------------|--|
| <b>Yes</b>               | <b>No</b>                |  |
| <input type="checkbox"/> | <input type="checkbox"/> | Bringing a guest? If yes, Guest's Name: _____  |
| <input type="checkbox"/> | <input type="checkbox"/> | Attending the pre-program Wednesday reception? |
| <input type="checkbox"/> | <input type="checkbox"/> | Attending the Thursday Reception?              |

**Payment information:**

I am paying by CHECK. (Make check payable to League of Wisconsin Municipalities)  
 I am paying by Credit Card     Visa     MasterCard  
 Card Number \_\_\_\_\_  
 Expiration Date \_\_\_\_\_ Security Code (back of card) \_\_\_\_\_  
 Signature \_\_\_\_\_

**The Fine Print:** *\*Staff members and officials from cities and villages that are currently members of the League and League Business Partners may register as members.*

**\*\*The Guest fee only covers both receptions. No other meal is covered by the guest fee. There is no off-site Guest Tour.**

*Registration fees, minus a \$10 processing fee, are refundable if the League is notified of the cancellation no at least five business days prior to the event. No refunds will processed for cancellations received after **August 8, 2018.***

**Hotel Information:**

Make reservations with Chula Vista Resort by calling 866-991-7986. Mention Booking ID F74422 to receive the block rate of \$82/ single, \$149/double, plus 12.75% local and state taxes; if tax exempt, a letter/certificate of exemption must be presented. **Reservations must be made with the hotel by July 25, 2018.** 72-hour cancellation policy, less \$25 processing fee. Check-in is at 4:00 p.m. Check-out is at 10:30 a.m.

|  |           |   |
|--|-----------|---|
| <b>Register online at <a href="http://www.lwm-info.org">www.lwm-info.org</a></b> | <b>OR</b> | <b>Mail this form with payment</b>        |
| <b>OR</b>  |           | <b>League of Wisconsin Municipalities</b> |
| <b>FAX: 608-267-0645</b>   |           | <b>131 West Wilson Street, Suite 505</b>  |

# New Officials

**Alderman/Council:** **Algoma**, Eugene Cleveland, Jake Maring, Scott Meverden; **Ashland**, Elizabeth Franek, Kevin Haas, Jerry Teague, Ana Tochterman, Kate Ullman; **Barron**, Pete Olson; **Beaver Dam**, Therese Henriksen, Jane Loizzo, Kara Nelson; **Beloit**, Beth Jacobsen; **Brodhead**, Allen Bruce; **Cedarburg**, Kristin Burkart, Garan Chivinski, Rodney Galbraith, Dan Von Bargen; **Chilton**, Tom Reinl, Mark Wiegert; **Clintonville**, Brandon Braden, Ben Huber, Maggie Tischauer; **Colby**, Steven Kolden, Tammy Solberg; **Columbus**, Kassia Millar, Jason Theilen; **Cornell**, Mark Larson; **Delafield**, Wayne Dehn; **Durand**, Terrence Hartung, Travis Hooker, Herb Schneider; **Eau Claire**, Emily Anderson; **Evansville**, Joy Morrison; **Fennimore**, Jonah Roth, Ashley Walker; **Fond du Lac**, Ben Giles, Donna Richards; **Fort Atkinson**, Burce Johnson; **Fountain City**, Cheryl Braatz; **Galesville**, Brock Ketchum, Kelly Kreger, Linda Skwierawski, Jean Wallner; **Green Bay**, Jesse Burnette, Veronica Corpus-Dax, Brian Johnson, Kathy Lefebvre, Craig Stevens; **Greenwood**, Ryan Ashbeck; **Horicon**, Harold Vanderhei; **Juneau**, Curt Arndt; **Kaukauna**, Susan Duda, Philip Kohne; **Kenosha**, Bruce Cox, Holly Kangas, Stephanie Kemp, Dominic Ruffalo; **Kewaunee**, Jamie Jackson, Daniel Stangel; **Lake Geneva**, Tim Dunn, Selena Proksa; **Lodi**, Paege Heckel; **Manawa**, Travis Radtke; **Marion**, Wanda Tucker; **Markesan**, Elizabeth Kazda; **Menasha**, Tom Grade, Mark Langdon, Randy Ropella; **Merrill**, Steve Osness, David Sukow, John Van LieShout; **Middleton**, Robert Burck, Emily Kuhn; **Milton**, Jerry Elsen; **Mineral Point**, Jason Basting, David Engels, Mike Wagner; **Mondovi**, Greg Bauer, Angie Risen; **Monroe**, Elizabeth Beam; **Neenah**, Danae Steele; **Nekoosa**, Kurtis Bredda, Beth Thomas; **New Lisbon**, Kenneth Southworth, Peggy Wyss; **New London**, Fred Zang; **Oshkosh**, Matt Mugerauer; **Park Falls**, Dina Bukachek, James Corbett; **Peshtigo**, John Berendt, Archer Leupp; **Platteville**, Robin Cline, Cena Sharp; **Port Washington**, Dan Benning, Patrick Tearney; **Prairie du Chien**, Nate Bremmer, Heather Olson; **Prescott**, Robert Daugherty, Bailey Ruona; **Racine**, Carrie Glenn; **Rhineland**, David Holt, Andrew Larson, Ryan Rossing; **Rice Lake**, Scott Lundberg; **Richland Center**, Ryan Cairns, Karin Tepley; **River Falls**, Michael Page; **Seymour**, Steve Hurkman, Ryan Kinney; **Shullsburg**, Patrick Heim, Gloria Swenson; **Sparta**, Bruce Humphrey; **St. Croix Falls**, Kirk Anderson, Joy Zasadny; **Stoughton**, Phil Caravello, Denise Duranczyk, Nicole Wiessinger; **Sturgeon Bay**, Kelly Avenson, David Hayes, Seth Wiederanders; **Sun Prairie**, Theresa Stevens; **Tomah**, Richard Yarrington, Shawn Zabinski; **Tomahawk**, Ed Nystrom; **Two Rivers**, Curt Andrews; **Verona**, Kate Cronin, Chad Kemp, Katie Kohl; **Viroqua**, Tanja Birke, Gregory Splinter; **Washburn**, Aaron Austin; **Wautoma**, Kevin Hanks; **Wauwatosa**, Ernst Franzen, Heather Kuhl; **Westby**, Ann Kurth, David Laudermlch; **Whitehall**, Kurt Johnson, Barb Mathson; **Whitewater**, Carol McCormick, Jimmy Schulgit; **Wisconsin Dells**, Ed Fox, Terry Marshall; **Wisconsin Rapids**, Shane Blaser, Jacob Cattanch, Lee Graf.

**City Attorney:** **Brookfield**, Jenna Merten; **Fitchburg**, Valerie Zisman; **Greenfield**, Brian Sajdak; **Jefferson**, Christopher Rogers; **Mondovi**, Catherine Munkittrick; **New Lisbon**, Nicole Marklein Bacher; **Seymour**, Steven Frassetto; **Shawano**, Katherine Sloma; **Stanley**, Garrett Nix; **Washburn**, Max Lindsey.

**City Clerk:** **Delafield**, Michelle Luedtke; **Lake Geneva**, Lana Kropf; **Monroe**, Arianna Voegeli; **New London**, Jackie Beyer; **Stoughton**, Holly Licht.

**City Manager:** **Francis Creek**, Paul Rahmlow.

**Deputy Clerk:** **McFarland**, Tanya O'Malley; **North Hudson**, Jessica Lehman.

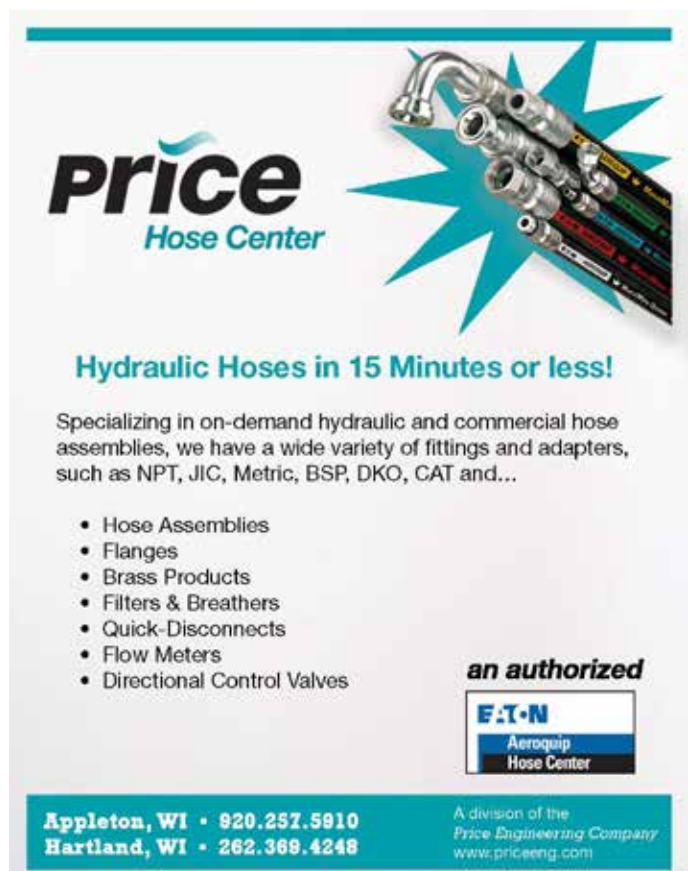
**Fire Chief:** **Benton**, Nicholas Neis; **Black Earth**, Mitch Hodson; **Chilton**, Ben Schoenborn; **Colby**, Bert Nitzke; **Crivitz**, Luke Deschane; **Curtiss**, Jason Thornton; **Dorchester**, Bert Nitzke; **Galesville**, Tom Peterson; **Hurley**, Michael Sejbl; **Ladysmith**, Kyle Gibbs; **Merrill**, Scott Krause; **Milton**, Randy Banker; **Muskego**, Marty Mrukavina; **Prairie du Chien**, Jeff Boughton; **Randolph**, Ed Hoksbergen; **Richland Center**, Brian Jones; **Scandinavia**, Brian Fuchs; **Solon Springs**, Jonathon Brostowitz; **St. Nazianz**, Matthew Kaufmann; **Wauwatosa**, James Case; **Wauzeka**, Nicholas Zeeh; **Woodville**, Brad Eggen; **Wycena**, Jeremy Crary.

**Mayor:** **Barron**, Ron Fladden; **Clintonville**, Richard Beggs; **Fountain City**, Bobbi Farrand; **Galesville**, Vince Howe; **Hurley**, Paul Mullard; **Mineral Point**, Jason Basting; **Mondovi**, Brady Weiss; **Montreal**, Erik Guenard; **New Lisbon**, Jacob Kallies; **Richland Center**, Michael Kaufman; **Shawano**, Ed Whealon; **Shullsburg**, Duane Wedige; **St. Croix Falls**, Arnie Carlson; **St. Francis**, Ken Tutaj; **Washburn**, Richard Avol; **Whitehall**, Jeff Hauser.

Additional New Officials will be listed in the August issue of *The Municipality*.

For a complete listing of upcoming events and conferences, please visit:

[www.lwm-info.org/35/Conferences](http://www.lwm-info.org/35/Conferences)



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# 120th League Annual Conference Registration

Kalahari Resort, Wisconsin Dells October 24-26, 2018

Early Bird Discount through September 12, 2018

Name \_\_\_\_\_ Title \_\_\_\_\_

The Municipality/Company You Represent \_\_\_\_\_

Street Address \_\_\_\_\_

City \_\_\_\_\_ State \_\_\_\_\_ Zip code \_\_\_\_\_

Phone number \_\_\_\_\_ email \_\_\_\_\_

I need arrangements to accommodate a disability or dietary need. (We will contact you to make those arrangements.)

|                              | Member*<br>Until 9-12-18       | Non-member<br>Until 9-12-18    | Member*                        | Non-member                     |
|------------------------------|--------------------------------|--------------------------------|--------------------------------|--------------------------------|
| Full Conference Registration | <input type="checkbox"/> \$215 | <input type="checkbox"/> \$260 | <input type="checkbox"/> \$250 | <input type="checkbox"/> \$300 |
| Wednesday Only Registration  |                                |                                | <input type="checkbox"/> \$90  | <input type="checkbox"/> \$110 |
| Thursday Only Registration   |                                |                                | <input type="checkbox"/> \$150 | <input type="checkbox"/> \$180 |
| Friday Only Registration     |                                |                                | <input type="checkbox"/> \$90  | <input type="checkbox"/> \$110 |

**Bringing a guest?**  No  Yes Name: \_\_\_\_\_  \$50

Please note: Guest registration covers Wednesday Exhibit Hall admission, President’s Reception, Thursday morning Walk/Run, and Thursday’s Networking Reception Celebrating the Arts. There is no off-site guest program.

**Please tell us which of the following events you’ll be attending:**

- Wednesday Deep Dive #1 Baraboo Bus/Walking Tour: Historic Buildings, a New City Hall & Innovative Funding
- Wednesday Deep Dive #2 Developing Workforce Housing
- Wednesday Deep Dive #3 Planning for and Recovering From a Disaster Event
- Wednesday Mini Bar\*\* Fundamentals for Municipal Attorneys
- Thursday morning WEA Trust Walk/Run

Please circle the Walk/Run t-shirt size you would like: **S M L XL XXL**

If you are bringing a guest to the Walk/Run, please circle your guest’s size: **S M L XL XXL**

- Thursday Networking Reception to Celebrate the Arts
- Friday Scrambled Eggs & Politics Breakfast

**Total Due:** \_\_\_\_\_/Payment information:

I am paying by CHECK. (Make check payable to League of Wisconsin Municipalities)

I am paying by Credit Card  Visa  MasterCard

Card Number \_\_\_\_\_

Expiration Date \_\_\_\_\_ Security Code (back of card) \_\_\_\_\_

Signature \_\_\_\_\_

**THE FINE PRINT:**

*\*Staff members and officials from cities and villages that are currently members of the League, League Business Partners and representatives from organizations exhibiting at this conference may register at the member rate.*

*\*\*The Mini Bar workshop is geared towards newer municipal attorneys and is anticipated to provide 4 CLE credits. Anyone may attend, but content will be presented with the assumption that participants have a law background.*

**Registration fees, minus a \$10 processing fee, are refundable if the League is notified of the cancellation by October 17, 2018.**

Register online at [www.lwm-info.org](http://www.lwm-info.org) OR  
OR  
FAX: 608-267-0645

Mail this form with payment  
League of Wisconsin Municipalities  
131 West Wilson Street, Suite 505  
Madison, WI 53703  
Questions? Call 608-267-2380

Hotel Information at [www.lwm-info.org](http://www.lwm-info.org)



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